

Summary Judgment; Motions to Dismiss; Motions for Reconsideration; Motions to Clarify; Motions to Reopen the Record; Motions to Intervene; Motions to Transfer, Consolidate or Sever; or Petitions for Advisory Opinions. Facsimile transmissions in contravention of this rule will not be filed.

(h) Documents and other papers filed through facsimile transmission shall be served on all parties in the same way as used to serve the office where filed, or in a more expeditious manner, in conformance with paragraph (a) of this section. Thus, facsimile transmission shall be used for this purpose whenever possible. When a party cannot be served by this method, or chooses not to accept service by facsimile as provided for in paragraph (a) of this section, the party shall be notified personally or by telephone of the substance of the transmitted document and a copy of the document shall be served by personal service or overnight delivery service.

Dated, Washington, DC, November 2, 1995.

By direction of the Board.

John J. Toner,

*Acting Executive Secretary, National Labor Relations Board.*

[FR Doc. 95-27627 Filed 11-7-95; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### 32 CFR Part 706

#### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS JOHN S. McCain (DDG 56) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** 24 July 1995.

**FOR FURTHER INFORMATION CONTACT:**

Commander K.P. McMahon, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400. Telephone number: (703) 325-9744.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS JOHN

S. McCain (DDG 56) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the following specific provision of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 3(a), pertaining to the horizontal distance between the forward and after masthead lights. The Deputy Assistant Judge Advocate General (Admiralty) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

#### List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), and Vessels.

#### PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

2. Table Five of § 706.2 is amended by revising the following entry as set forth below:

#### § 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

\* \* \* \* \*

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. annex I, sec. 3(a)	Percentage horizontal separation attained
USS JOHN S. McCain .....	DDG 56	X	X	X	19.6

Dated: July 24, 1995.

Approved:

K.P. McMahon,

CDR, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).

[FR Doc. 95-27483 Filed 11-7-95; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IL113-1-6760a; FRL-5324-7]

### Approval and Promulgation of Implementation Plans; Illinois

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** On May 5, 1995, the State of Illinois submitted a State Implementation Plan (SIP) revision request to the United States Environmental Protection Agency (USEPA) for lithographic printing operations as part of the State's 15 percent (%) Reasonable Further Progress (RFP) plan control measures for Volatile Organic Matter (VOM) emissions. VOM, as defined by the State of Illinois, is identical to "volatile organic compounds" (VOC), as defined by USEPA. VOC is one of the air pollutants which combine on hot summer days to form ground-level ozone, commonly known as smog. Ozone pollution is of particular concern because of its harmful effects upon lung tissue and breathing passages. RFP plans are intended to bring areas which have been exceeding the public health based Federal ozone air quality standard closer toward the goal of reaching and maintaining attainment with this standard. The control measures specified in this lithographic printing parts SIP revision are expected by Illinois to reduce VOC (VOM) emissions by 4.05 tons per day in the Chicago area. No reductions are expected in the Metro-East (East St. Louis) area because there are no sources large enough to satisfy the applicability criteria.

**DATES:** The "direct final" approval is effective on January 8, 1996, unless USEPA receives adverse or critical comments by December 8, 1995. If the effective date is delayed, EPA will publish timely notice in the Federal Register.

**ADDRESSES:** Copies of the revision request and USEPA's analysis (Technical Support Document) are available for inspection at the following address: U.S. Environmental Protection

Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone David Pohlman at (312) 886-3299 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** David Pohlman at (312) 886-3299.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 182(b)(1) of the Act requires all moderate and above ozone nonattainment areas to achieve a 15 percent reduction of 1990 emissions of volatile organic material by 1996. In Illinois, the Chicago area is classified as "Severe" nonattainment for ozone, while the Metro-East area is classified as "Moderate" nonattainment. As such, these areas are subject to the 15 percent Rate of Progress (RFP) requirement.

The Illinois Environmental Protection Agency (IEPA) held public hearings on the proposed Lithographic printing rules on December 15, 1994, and January 9, 1995, and on April 20, 1995, the Board adopted a Final Opinion and Order for the proposed amendments. The rules became effective on May 9, 1995, and they were published in the Illinois Register on May 19, 1995. The IEPA formally submitted the Lithographic Printing rules to USEPA on May 5, 1995, and May 31, 1995, as a revision to the Illinois SIP for ozone. In doing so, IEPA believes that these control measures will reduce VOM emissions to help meet the 15% RFP requirement. The submittal amends 35 Ill. Adm. Code Parts 211, 218 and 219, to include control measures for lithographic printing.

The submittal includes the following new or revised rules:

#### Part 211: Definitions and General Provisions

##### Subpart B: Definitions

- 211.474 Alcohol
- 211.560 As-Applied Fountain Solution
- 211.2850 Heatset Web Offset Lithographic Printing Line
- 211.4065 Non-Heatset
- 211.5980 Sheet-Fed

#### Part 218: Organic Material Emission Standards and Limitations for the Chicago Area

##### Subpart H: Printing and Publishing

- 218.405 Lithographic Printing: Applicability
- 218.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996
- 218.407 Emissions Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996
- 218.408 Compliance Schedule for Lithographic Printing on and After March 15, 1996
- 218.409 Testing for Lithographic Printing On and After March 15, 1996
- 218.410 Monitoring Requirements for Lithographic Printing
- 218.411 Recordkeeping and Reporting for Lithographic Printing

#### Part 219: Organic Material Emission Standards and Limitations for the Metro East Area

##### Subpart H: Printing and Publishing

- 219.405 Lithographic Printing: Applicability
- 219.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996
- 219.407 Emissions Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996
- 219.408 Compliance Schedule for Lithographic Printing on and After March 15, 1996
- 219.409 Testing for Lithographic Printing On and After March 15, 1996
- 219.410 Monitoring Requirements for Lithographic Printing
- 219.411 Recordkeeping and Reporting for Lithographic Printing

The lithographic printing rules contained in Part 218 are identical to those in Part 219 except for the areas of applicability. Part 218 applies to the Chicago Area, while Part 219 applies to the Metro East Area. The following is a description of the State rules.

#### Applicability (218/219.405)

Section 218/219.405 states that sources with heatset web offset lithographic printing lines are subject to the requirements of 218/219.406 until March 15, 1996, and Sections 218/219.407 through 218/219.411 on and after March 15, 1996. All such sources are subject unless total maximum theoretical emissions of VOM never exceed 100 tons per calendar year before the application of controls, or Federally enforceable permit conditions limit production such that emissions are less than 100 tons per year.

This rule also states that all heatset web offset, non-heatset web offset, and sheet-fed offset lithographic printing lines will be subject to Sections 218/219.407 through 218/219.411 on and